

8915-0048/dmf

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DEWEY R. BOZELLA,

**NOTICE OF MOTION**

Plaintiff,

10 CIV 4917 (CS)

-against-

THE COUNTY OF DUTCHESS, THE CITY OF  
POUGHKEEPSIE, WILLIAM J. O'NEILL and ROBERT J.  
DeMATTIO,

Defendants.

-----x

S I R (S):

PLEASE TAKE NOTICE, that upon the annexed affidavit of David L. Posner, sworn to the 8<sup>th</sup> day of October, 2010, the attached exhibits, and memorandum of law, defendant Robert J. DeMattio will move for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting dismissal of plaintiff's complaint or, alternatively, dismissal on the grounds of qualified immunity.

PLEASE TAKE NOTICE, that pursuant to the Court's briefing schedule, plaintiff's opposition papers are to be served on or before November 8, 2010 and defendant's reply papers are to be served on or before November 22, 2010.

DATED: Poughkeepsie, New York  
October 8, 2010

Yours, etc.

MCCABE & MACK LLP

By: 

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